

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ANTHONY WILLIAMS,

Petitioner,

-vs-

XENIA MUNICIPAL COURT,

Respondent.

:

Case No. 3:06-cv-284

:

District Judge Thomas M. Rose

Chief Magistrate Judge Michael R. Merz

:

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #4), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on November 9, 2006, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition for Writ of Habeas Corpus be dismissed without prejudice for lack of exhaustion of available state court remedies.

November 17, 2006.

s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge